

VILLAGE OF CROTON ON HUDSON, NEW YORK  
MINUTES OF THE WATERFRONT ADVISORY COMMITTEE MEETING  
Wednesday, March 2, 2011

A meeting of the Waterfront Advisory Committee of the Village of Croton-on-Hudson, New York was held on Wednesday, March 2, 2011 in the Municipal Building.

MEMBERS PRESENT:                    Fran Allen, Chairperson  
    Stuart Greenbaum  
    Rob Luntz

ABSENT:                                Ian Murtaugh  
    Richard Olver

ALSO PRESENT:                    Daniel O'Connor, Village Engineer

1. Call to Order

The meeting was called to order at 8 p.m. by Chairman Allen.

2. NEW BUSINESS

- a) Referral from Water Control Commission regarding application for Wetlands Activity Permit—37 Park Trail (Sec. 68 Blk 3 Lot 8) – Preliminary Consistency Review*

This application, presented by Ms Julie Evans, Architect, consists of the rebuilding and addition of an existing residence within a wetland buffer. Under SEQRA, this is an Unlisted Action, and therefore, referred to the Waterfront Advisory Committee from the Water Control Commission for a preliminary consistency finding.

Ms. Evans described the limits of disturbance from the construction as follows: 1) the disturbance of the area from building and walking on the site, 2) the creation of a new foundation for a 240 sq. ft. family room, and 3) the building of a new dry well.

Ms. Allen stated that she was concerned about whether the septic system was adequate for the proposed construction. If the septic system is not going to be realistically functional, it would go straight through to the stream, polluting the water. Ms. Evans cited the approval from the Department of Health to rebuild the home next to (and to retain) the existing septic field, based on the proposed plans. By building up from the existing foundation in the front of the house, there will not be an encroachment on the existing field, or impact the septic system.

Ms. Allen reiterated that despite the Department of Health's approval, the WAC needed greater assurance that the septic system was adequate. Mr. Luntz stated that the Department of Health's guidelines were based on bedroom count and the septic system

was functional at this point. The Village Engineer pointed out that any existing septic system eventually fails over time, and the adequacy of the present septic system could be tested by means of a dye test, and measuring the size of the septic tank. Ms. Evans said that the owners would probably invest in a new tank. Mr. Luntz believed this would be a prudent action; he concurred with Ms. Allen's concerns and stated that the WAC needed to ensure that the proposed construction would not contribute contaminants to the stream.

Ms. Allen stated that she liked the project but the septic field was possibly flawed. The Village Engineer stated that an analysis of the septic system could be completed through a determination of the size of the tank and an evaluation of the septic system in terms of current standards. If the septic system is functioning and fails, they can get a repair permit from the Health Department. Ms. Evans was certain that the size of the septic field did not meet today's standards and would have difficulty meeting 2011 standards. Mr. Luntz suggested that there be an investigation of tank size, with an assurance that there would be a replacement if the size was inadequate, and safeguards put into place for storm water management.

The WAC has found the following policies to be relevant to this application:

*Policy 11A: Erosion and sediment control measures shall be undertaken in order to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or results in earth movement."*

By building up from the existing foundation in the front of the house, there will not be an encroachment on the existing field, or impact the septic system, and also limit some of the disturbance. The applicant will be constructing a drywell to help with drainage and this would also limit some of the disturbance.

*Policy 7A The quality of the Croton river and Bay significant fish and wildlife habitat and Haverstraw Bay significant fish and wildlife habitat shall be protected and improved for conservation, economic, aesthetic, recreational, and other public uses and values. Its resources shall be protected from the threat of pollution, misuse, and mismanagement.*

*Policy 7B: Materials that can degrade water quality and degrade or destroy the ecological system of the Croton River and Bay significant fish and wildlife habitat and the Haverstraw Bay significant fish and wildlife habitat shall not be disposed of or allowed to drain in, or on land within, the area of influence in the significant fish and wildlife habitats.*

*Policy 32: "Encourages the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities."*

Ms. Allen expressed her concerns about the adequacy of the septic system, and if it should fail, the resultant contaminants in the stream.

The WAC committee members agreed that additional information is needed on the size of the septic tank, the overall condition of the septic system, and the functionality of the septic system. The architect stated that the new owners planned to purchase a new septic tank.

*Policy 3:3 Best management practices will be used to ensure the control of storm water runoff and combined sewer overflows draining into coastal waters.*

*Policy 33: Encourage new developments to retain storm water runoff on site so as to not increase flows within the existing system or to improve existing storm water runoff systems so that runoff from such developments does not adversely impact coastal waters.*

The WAC believes these policies are relevant because the proposed construction is near a relatively small watercourse that eventually drains into the Croton River. Based on the drainage analysis completed by Cronin Engineering, the design proposed will contain drainage for all of the new roof area plus some of the old roof area in a new drywell, and therefore improve the drainage retention capacity within the site. The WAC finds these measures consistent with Policy 33 and Policy 33A.

The WAC believes these policies are consistent with the LWRP, but the preliminary finding is that the WAC needs more information on the functionality of the septic system subject to additional information on soil conditions. Mr. Luntz made a motion to approve the preliminary consistency finding **subject to** the conditions that more information on the septic system is provided regarding its functionality, on the size of the septic tank, and on the general configuration of the septic field. This application was referred back to the Water Control Commission for more information on the septic system. This motion was seconded by Mr. Greenbaum, and carried by a vote of 3-0 in favor.

*b) Referral from Planning Board regarding application for Preliminary Subdivision Approval and Wetlands Activity Permit – 101 Brook Street (Sec. 78.08 Blk 5 Lot 3) – Preliminary Consistency Review*

This application was referred from the Planning Board regarding the proposed subdivision of an existing single-family property into two lots. The lot entire property is located in the 120 foot wetland buffer zone. Under SEQRA, this application is considered an Unlisted Action, and has been referred to the Waterfront Advisory Committee for a preliminary LWRP (Local Waterfront Revitalization Program) consistency finding.

The application, presented by Mr. Pat Zanfardino (owner), consists of the construction of a single family dwelling of approximately 1800 sq. ft with a one car garage with an extra parking spot. In order to manage storm water runoff, three dry wells will be placed in back of the house. The proposed house is not in the 100 year flood zone, and has a proposed basement elevation of approximate 83.5 ft. which is approximately 3 ft above

the 100 year flood elevation of approximately 80.35 ft.

Mr. Luntz referred to the Water Control Commission's memorandum on the Wetlands Activity permit in which it is recommended that excess soil be removed from the site immediately and that the stone walls be reestablished on the side of the channel in order to limit future stream bank erosion caused by the higher velocity of water exiting the Old Post road culvert. The proposed storm water system will mitigate storm flow increases.

Ms. Allen referred to the Coastal Assessment Form, p. 3, question 3(l) "Will the proposed action involve or result in any of the following..." "removal of ground cover from the site" should be changed to "Yes" from "No," and question 3(j) "construction or reconstruction of erosion protective structures" should be changed to "Yes" from "No."

Ms. Allen mentioned the additional remarks by the applicant regarding question 3(p) "will best management practices be utilized to control storm water runoff into coastal waters?" in which the applicant states that "increased surface runoff due to new impervious area(s), as per proposed development, shall be directed to new on site retention (dry wells) which is on site plan drawing SP-1.

The WAC found the following policies to be relevant regarding this application:

*Policy 11A: Erosion and sediment control measures shall be undertaken in order to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or results in earth movement.*

The Water Control Commission recommended that the following additional information be provided on the plans: that soil testing be performed in the area proposed for the storm water management system dry wells); that the storm water collection piping be shown and detailed on the plan,; that the soil stock pile area is shown on the plan and is located as far from the stream as possible and that it be kept covered; that a temporary sediment trap be provided in the rear between the house and stream; and that any excess soil from the excavation should be removed from the site immediately. The WAC supports these recommendations and also recommends that the application be amended to address these concerns to ensure that the provisions of Policy 11A are met.

*Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development or, at other locations.*

The Water Control Commission, in discussing the condition of the stream channel on 101 Brook Street and the proposed repairs to the channel, recommends the reestablishment of stone walls on the side of the channel in order to limit future stream bank erosion caused by the higher velocity of water exiting the Old Post Road culvert.

The WCC recommended that details of the stone wall be included on the plans and that a construction timeframe and sequence plan be provided to ensure that the work in the stream channel is conducted with the least impact on the stream. The site plan shows that the house will be constructed (basement floor) approximately three feet above the 100 year floodplain and that a storm water management system is being proposed which will mitigate storm flow increases. The WAC supports these recommendations and design concepts and believes their implementation will either meet or advance the goals of Policy 14 of the LWRP.

Mr. Greenbaum made a motion for a preliminary consistency finding subject to the conditions made by the Water Control Commission in their memorandum and changes to the Coastal Assessment Form as noted above, Mr. Luntz seconded the motion, and carried by a vote of 3-0 in favor.

*c) Referral from Village Board regarding gift proposal of Gouveia parcels located at 1300 Albany Post Road – Preliminary Consistency Review*

This application was referred from the Village Board regarding the gift proposal of Mrs. Laurel Gouveia of parcels located at 1300 Albany Post Road. Under SEQRA, acceptance of a gift of property is considered an Unlisted Action, and therefore, has been referred to the Waterfront Advisory Committee for a preliminary consistency review with the LWRP (Local Waterfront Revitalization Program).

The site comprises 15.63 acres and has an approved three lot residential subdivision that has never been acted upon, and therefore, comprises 3 separate tax parcels. The northern part of the property is developed, and the southern part is wooded, with steep slopes, intermittent watercourses, large lawn area, and various outbuildings and a man-made pond. The owner proposes to donate the property for public purposes with the exception of no public use around the house as long as she will be living in the house.

The WAC found the following policies to be relevant to the LWRP:

*Policy 9B: Encourages passive recreational enjoyment of the wildlife in the designated significant fish and wildlife habitats, on the Audubon Society Sanctuaries, on other public or private lands within the Village, where wildlife habitats are located. Encourages the recreational use of areas where such resources are found, as well as the protection of such resources.*

As stated on the CAF, the WAC agrees with the statement: “this increase in passive recreational activities is considered a POSITIVE effect and not an adverse effect and is consistent with this policy.” This property is only being proposed for Parks, Recreation, and Educational (PRE) zoning which encourages recreational enjoyment of the site.

*Policy 19A: Encourages the linkage of open space along the Hudson and Croton Rivers in the form of a trail or walkway system. Such systems should be provided along*

*undeveloped and underutilized land as well as along previously developed land.*

The Village has an over-the-road trail segment from Brinton Brook Sanctuary and the Jane Lytle Arboretum that comes down Arrowcrest Road and ends literally across the street from 1300 Albany Post Road. Very few use this road trail, as it has no desirable lower terminus. Should this parcel be acquired, installing a trail on its southerly section would provide a destination for walkers that culminate in forested views of the Hudson River to the west. Walkers would access this site directly from Arrowcrest by walking 200 feet south and then crossing Albany Post Road.

*Policy 19B: Increases physical access to areas that have specific value for their physical and visual access to the Hudson River or Croton River and Bay.*

Although there is no physical access to the river because of Route 9, there would be increased visual access to the Hudson River.

*Policy 25D: Establishes and protects identified viewsheds which provide visual access to the Hudson River, including but not limited to the views of the Hudson River from the western shoreline of the Village, and from Prickly Pear Hill, Lounsbury Hill and River Landing. In addition, protects viewsheds to and of the Croton River and Gorge.*

The property, both on the site and from the house, includes scenic views and vistas of the Hudson River.

*Policy 44A: Wetlands, water bodies and watercourses shall be protected by preventing damage from erosion or siltation, minimizing disturbance, preserving natural habitats and protecting against flood and pollution.*

The WAC members believed that the proposed gift was inherently consistent to the LWRP, as it provides outdoor passive recreation, and the Term Sheet forbids the use of the site for development of housing, commercial or other non-PRE uses.

In addition to the LWRP policies, the WAC members agreed with the additional comments written in response to the Coastal Assessment Form, p. 3 question 2(H) “will the proposed action have a significant effect upon existing or potential public recreation opportunities?” that said “*the proposed action will increase passive recreation uses in the Village. The initial use of the property would involve the creation and use of trails on the southern wooded portion of the property which contains the intermittent streams and occasional use of other portions of the property for educational and Village sponsored events. Over time, Village use of the property would be for a park, recreational and educational (PRE zoning) type uses. Examples are trail system, picnicking, music events and exhibits, environmental education, senior citizen and other club meetings. These are examples; generally uses would be ones that would benefit from the scenic views, natural light and serene atmosphere of the property.*”

The WAC also notes that they agree with the additional comments made on page 5D of

the Coastal Assessment Form 4B(1) that *“the proposed action will increase access to a woodland habitat with intermittent streams, a landscaped pond and scenic views of the Hudson River,”* and 4D that *“the property offers and includes scenic views and vistas of the Hudson River which are important to the community.”*

Mr. Luntz made a motion for preliminary consistency findings, Mr. Greenbaum seconded the motion, and the vote carried by 3-0.

### **3. Approval of Minutes**

The minutes of the Friday, January 21, 2011 WAC meeting were approved on a motion by Mr. Greenbaum, seconded by Mr. Luntz and carried by a vote of 3-0.

### **4. Adjournment**

There being no further business to come before the Committee, the meeting was duly adjourned at 10:10 p.m.

Respectfully submitted,

Ronnie Rose  
Secretary